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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/276,107 03/25/99 FLOREZ

C K&A98-1232

EXAMINER

RICHARDSON, J

ART UNIT	PAPER NUMBER
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3641

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DATE MAILED: 09/07/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/276,107

Applicant(s)

FLOREZ, CARLOS

Examiner

John Richardson

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 to 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Non Final Rejection

1). The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2). Claims 1 to 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (U.S. 5,417,000) in view of a) Mendelsohn et al (U.S. 5,502,915), b) Klein et al (U.S. 5,638,627) or McCarthy et al (U.S. 5,392,552) and c) Mowl, Jr. (U.S. 5,621,996).

The primary reference discloses a structure that substantially reads on the recited claims in the form of an electronic firearm safety system comprising a housing positioned in front of the handgrip forming guard plates to prevent a user's finger from being extendable over the trigger (see Figures 1 to 3, and Column 1 lines 58+), a microprocessor for evaluating and storing data (see Figure 5, and Column 2, lines 59+), motion detector / sensor (see Figure 4, item 33 and Column 2, line 55), a plurality of batteries to provide power sources (see Figure 5, item 32 and Column 2, line 53), a trigger stop / notch mechanism (see Figures 2 and 3, item 131), spaced apart movable plate jaws for locking the lock body on the trigger guard (see Figure 3, items 11 and 12

and Column 3, lines 43 to 46) and a solenoid for engaging the latch mechanism (see Column 2, lines 34 to 49).

The claims differ over the primary reference in the specific recitations of providing a) a detecting means of fingerprinting by scanner instead of a keypad code insertion means, b) unlocking means in the form of wheels and toothed edge plates, and c) electric motive means for actuating the locking mechanism.

However, it is already old and advantageous in the firearm safety art to provide a) a detecting means of fingerprinting by scanner to identify the user (see for example, Mendelsohn et al, Figure 5, item 36 and Column 8, lines 14 to 28), b) unlocking means for the safety mechanisms in the form of wheels and toothed edge plates (see for examples, Klein et al, Column 5, lines 27 to 45, and McCarthy et al Column 5, lines 17 to 20) and c) electric motive means for actuating the firearm locking mechanism (see for example, Mowl, Jr., Figure 3, item 52, Column 7, lines 21 to 32).

In addition, claim 2 recites the use of parallel elongated channels in the housing side plates, which are considered an obvious embodiment as a matter of design choice.

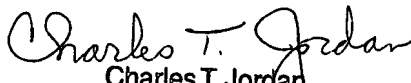
Accordingly, it would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to have incorporated a) a detecting means of fingerprinting by scanner instead of a keypad code insertion, b) unlocking means in the form of wheels and toothed edge plates, and c) electric motive means for actuating the locking mechanism into the primary reference, because such are conventionally known expedients in the firearm art and so as to obtain the advantages thereof as taught by the secondary references.

3). The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note that Eskelinen et al (U.S. 5,647,158) teaches the use of toothed wheel actuators in firearm safety mechanisms, Shaw, Jr. (U.S. 4,467,545) teaches the use of fingerprint recognition means in firearm safety, Dragon (U.S. 5,487,234), Jones (U.S. 5,619,817), and Cady et al (U.S. 5,713,149) teach the use of trigger finger enclosure housings in the firearm safety art.

4). Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Richardson whose telephone number is (703) 305 0764. The examiner can normally be reached on Monday to Thursday from 7.00 AM to 4.30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan, can be reached on (703) 306 4149. The fax phone number for the organization where this application or proceeding is assigned is (703) 306 7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 1113.


Charles T. Jordan
Supervisory Patent Examiner
Group 3600